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SIXTY-SECOND LEGISLATURE

**EIGHTEENTH LEGISLATIVE DAY
THURSDAY, JANUARY 23, 2014**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent – Anderson(01), Rubel. Total – 2.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Tahj McDaniel, Page.

Approval of Journal

January 23, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Seventeenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

January 22, 2014

Mr. Speaker:

I transmit herewith [S 1210](#) which has passed the Senate.

NOVAK, Secretary

[S 1210](#) was filed for first reading.

Report of Standing Committees

January 23, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 393](#), [H 394](#), [H 395](#), [H 396](#), [H 397](#), [H 398](#), [H 399](#), [H 400](#), [H 401](#), and [HJR 1](#).

WILLS, Chairman

[H 393](#), [H 394](#), [H 395](#), [H 396](#), and [H 401](#) were referred to the Health and Welfare Committee.

[H 397](#) was referred to the Commerce and Human Resources Committee.

[H 398](#) and [H 399](#) were referred to the Resources and Conservation Committee.

[H 400](#) and [HJR 1](#) were referred to the State Affairs Committee.

January 22, 2014

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 364](#), [H 365](#), [H 366](#), and [H 367](#) and recommend that they do pass.

PALMER, Chairman

[H 364](#), [H 365](#), [H 366](#), and [H 367](#) were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 402 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXES; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3021A, IDAHO CODE, TO PROVIDE FOR THE CALCULATION OF A NET OPERATING LOSS WHEN INCOME IS DETERMINED BY EXCESS INCLUSION INCOME; AMENDING SECTION 63-3027, IDAHO CODE, TO DETERMINE THE INCOME OF A CORPORATION TO BE INCLUDED IN A COMBINED REPORT WHEN ONE OR MORE CORPORATIONS INCLUDED IN A COMBINED REPORT HAVE EXCESS INCLUSION INCOME FOR A TAX YEAR AND TO MAKE TECHNICAL CORRECTIONS; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

HOUSE BILL NO. 403 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-420M, IDAHO CODE, TO PROVIDE FOR IDAHO 4-H PLATES; AND PROVIDING AN EFFECTIVE DATE.

HOUSE BILL NO. 404 BY TRANSPORTATION AND DEFENSE COMMITTEE AN ACT

RELATING TO MOTOR VEHICLE DRIVERS; AMENDING SECTION 18-101A, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 18-8002, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A STATE APPROVED IGNITION INTERLOCK SYSTEM; AMENDING SECTION 18-8002A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A STATE APPROVED IGNITION INTERLOCK SYSTEM; AMENDING SECTION 18-8004C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A STATE APPROVED IGNITION INTERLOCK SYSTEM; AMENDING SECTION 18-8005, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A STATE APPROVED IGNITION INTERLOCK SYSTEM AND TO REVISE PROVISIONS RELATING TO AN ALCOHOL EVALUATION; AND AMENDING SECTION 18-8008, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A COURT ORDER, TO REVISE PROVISIONS RELATING TO A CALIBRATION AND TO REVISE A DEFINITION.

HOUSE BILL NO. 405
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE
 AN ACT

RELATING TO DRINKING WATER AND WASTEWATER PROFESSIONALS; AMENDING SECTION 54-2411, IDAHO CODE, TO REMOVE CERTAIN REQUIREMENTS RELATING TO THE REINSTATEMENT OF A CANCELED DRINKING WATER OPERATOR LICENSE.

HOUSE BILL NO. 406
BY ENVIRONMENT, ENERGY, AND TECHNOLOGY
COMMITTEE
 AN ACT

RELATING TO ENVIRONMENTAL QUALITY; AMENDING SECTION 39-108, IDAHO CODE, TO REVISE AND TO PROVIDE CIVIL PENALTY PROVISIONS, TO REQUIRE COMPLIANCE WITH CERTAIN PUBLIC PARTICIPATION REQUIREMENTS IN ADMINISTRATIVE AND CIVIL ENFORCEMENT PROCEEDINGS, TO PROVIDE A CORRECT CODE REFERENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-117, IDAHO CODE, TO PROVIDE FOR SPECIFIED CRIMINAL VIOLATIONS AND PENALTIES, TO CORRECT OBSOLETE TERMINOLOGY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 39-175A, IDAHO CODE, TO REVISE LEGISLATIVE FINDINGS AND PURPOSES; AND AMENDING SECTION 39-175C, IDAHO CODE, TO REMOVE PROVISIONS RELATING TO THE EXPLORATION OF POTENTIAL OPERATION OF A STATE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PROGRAM, TO REMOVE PROVISIONS RELATING TO A REPORT TO THE LEGISLATURE, TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO PURSUE APPROVAL OF AN NPDES PROGRAM, TO PROVIDE THAT THE STATE SHALL SUBMIT AN APPLICATION TO THE ENVIRONMENTAL PROTECTION AGENCY BY A SPECIFIED DATE, TO PROVIDE FOR RULEMAKING ASSOCIATED WITH FEES, TO REMOVE PROVISIONS RELATING TO CERTAIN MEMORANDUMS OF AGREEMENT, TO PROVIDE THAT THE DIRECTOR, AS APPROPRIATE, SHALL ESTABLISH AGREEMENTS WITH CERTAIN OTHER STATE AGENCIES TO ADMINISTER THE NPDES PROGRAM AND TO PROVIDE A CORRECT CODE REFERENCE.

HOUSE BILL NO. 407
BY APPROPRIATIONS COMMITTEE
 AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE PURCHASING PROGRAM FOR FISCAL YEAR 2014; AND DECLARING AN EMERGENCY.

[H 402](#), [H 403](#), [H 404](#), [H 405](#), [H 406](#), and [H 407](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

[S 1210](#), by Finance Committee, was introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 386](#), [H 387](#), and [H 388](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[H 346](#), [H 347](#), and [H 359](#), by Business Committee, were read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

[H 369](#) - INCOME TAX - RESIDENT TRUSTS

[H 369](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Meline to open debate.

The question being, "Shall [H 369](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(31), Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Henderson(Chambers), Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 67.

NAYS – Barrett. Total – 1.

Absent – Anderson(01), Rubel. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 369](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 370](#) - CIGARETTE TAXES

[H 370](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Anderst to open debate.

The question being, "Shall [H 370](#) pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Henderson(Chambers), Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Anderson(01), Rubel. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 370](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 374 - INCOME TAXATION

H 374 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Dayley to open debate.

The question being, "Shall H 374 pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Denney, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Henderson(Chambers), Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Pence, Perry, Raybould, Ringo, Romrell, Rusche, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – Anderson(01), Rubel. Total – 2.

Total = 70.

Whereupon the Speaker declared that [H 374](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 375 - IDAHO INCOME TAX ACT

H 375 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Trujillo to open debate.

The question being, "Shall **H 375** pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(31), Anderst, Andrus, Barbieri, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Clow, Collins, Crane, Dayley, DeMordant, Denney, Eskridge, Gestrin, Gibbs, Hancey, Harris, Hartgen, Henderson(Chambers), Hixon, Holtzclaw, Horman, Kauffman, Loertscher, Luker, Malek, McDonald, McMillan, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Palmer, Perry, Raybould, Romrell, Shepherd, Sims, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wills, Wood(27), Wood(35), Youngblood, Mr. Speaker. Total – 57.

NAYS – Burgoyne, Chew, Erpelding, Gannon, King, Kloc, Pence, Ringo, Rubel, Rusche, Smith, Woodings. Total – 12.

Absent – Anderson(01). Total – 1.

Paired Votes:

AYE – Meline NAY – Rubel

AYE – Collins NAY – Rusche

(Pairs enumerated in roll call above.)

Total = 70.

Whereupon the Speaker declared that [H 375](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 8 a.m., Friday, January 24, 2014. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:34 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk